

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

In Case No. 2006-0445, In the Matter of Stacey Ann Herlitz and Carl Herlitz, the court on April 10, 2007, issued the following order:

The respondent, Carl Herlitz, appeals a partial permanent decree issued in response to Stacey Ann Herlitz' petition to register and modify the parties' Georgia divorce decree. He argues that the trial court erred in failing to authorize his withdrawal of certain JDA stock that had been deposited by the parties in an educational account established for the parties' children. We affirm.

The respondent first argues that the trial court erred in enforcing the parties' post-divorce agreement over conflicting provisions of their divorce decree in violation of Georgia law. We disagree. See Spivey v. McClellan, 378 S.E.2d 123 (Ga. 1989) (parties are free to contract with each other regarding allocations of economic resources made in a divorce decree that have become fixed or perfected).

We similarly find no merit in the remaining arguments advanced by the respondent. See In re Guardianship of Kapitula, 153 N.H. 492, 497 (2006) (supreme court defers to trial court's judgment on issues such as resolving conflicts in testimony or measuring credibility of witnesses).

Affirmed.

DALIANIS, GALWAY and HICKS, JJ., concurred.

Eileen Fox,
Clerk